

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
GREENEVILLE DIVISION**

Jerry Michael Puckett, Andrew Joseph)	
Puckett, and George Puckett)	
)	
Plaintiffs)	
)	
v.)	Case No. 2:23-cv-00123-DCLC-CRW
)	
Unicoi County, Tennessee; City of Erwin)	
Tennessee; Unicoi County Sheriff Michael))	
Hensley, Deputy Ron Arnold, ET. AL)	
)	
Defendants)	

REVISED DEFENDANTS’ JOINT MOTION TO STAY DISCOVERY

COMES NOW Unicoi County, Tennessee, the City of Erwin, and all defendants who have been employed as a law enforcement officer for either Unicoi County or Erwin (“Law Enforcement Defendants”), and Defendant R. Mitchell Manuel (“Judge Manuel), and file their Motion to Stay Discovery. These Defendants respectfully request that all discovery be stayed. In support thereof, the Law Enforcement Defendants and Judge Manuel rely on their Memorandum of Law being filed contemporaneously herein. The Law Enforcement Defendants and Judge Manuel further state as follows:

1. The Law Enforcement Defendants and Judge Manuel certify that they have good faith conferred or attempted to confer with other affected parties to resolve the dispute without court action.
2. Rule 26(c)(1) permits a stay of discovery upon a showing of good cause. *Univ. of Tenn. Rsch. Found. v. Caelum Biosciences, Inc.* 2022 U.S. Dist. LEXIS 109462 *12 (E.D. Tenn.

June 21, 2022). Here there are special circumstances constituting good cause to stay discovery. The special circumstances are the interdependent judicial and qualified immunity questions combined with the continuing malicious conspiratorial prosecution allegations made by plaintiffs.¹ Sixth Circuit Courts have found that "[l]imitations on pretrial discovery are appropriate where claims may be dismissed 'based on legal determinations that could not have been altered by any further discovery.'" *Gettings v. Bldg. Laborers Loc. 310 Fringe Benefits Fund*, 349 F.3d 300, 304 (6th Cir. 2003) (quoting *Muzquiz v. W.A. Foote Memorial Hosp., Inc.*, 70 F.3d 422, 430 (6th Cir. 1995)).

3. Here, Defendants' assertion of qualified immunity presents good cause for a stay. See *In re Flint Water Cases*, 960 F.3d 820, 826 (6th Cir. 2020) ("If the defendant files a motion to dismiss based on qualified immunity, the court must stay discovery until that issue is decided." (internal quotation marks and citation omitted)) and *Gilbert v. Ferry*, 401 F.3d 411, 416 (6th Cir. 2005), *on reh'g vacated in part*, 413 F.3d 578 (6th Cir. 2005) (finding the district court did not abuse its discretion in staying discovery when the defendants challenged subject-matter jurisdiction).

4. Plaintiffs conspiracy claim involves interrelated facts and time periods. Some of the Defendants are currently faced with filing an Answer and Affirmative Defenses to a Fourth Amended Complaint while others pursue dispositive motions. Hardship will come to some, if not all, Defendants in the form of exchanging and responding to largely overlapping sets of discovery, having employees sit for multiple overlapping depositions, and producing and re-producing documents—all of which can be if the immunity questions are resolved first.

¹ "Local Law Enforcement Conspirators Extend Their Scheme to Include Malicious Prosecution of George Robet Puckett, Jerry's son and Andrew's nephew." See p. 24, Dkt. 88 Fourth Amended Complaint.

This, the 25th day of February 2025.

Respectfully submitted,

/s/ L. Scott Miller

L. Scott Miller (TN BPR. No. 034102)

L.S. MILLER LAW

415 W. Central Ave. Suite 1

LaFollette, TN 37776

lsmiller@lsmlaw.com

Attorney for Deputy Ron Arnold

/s/ Jeffrey M. Ward

Jeffrey M. Ward, BPR # 016329

MILLIGAN & COLEMAN PLLP

P. O. Box 1060

Greeneville, TN 37744-1060

423 639-6811

423 639-0278 Facsimile

jward@milligancoleman.com

Attorney for Unicoi County, Tennessee,

Michael Hensley, Jonathan

“Frank” Rogers, and Chad Ricker

/s/ Russell W. Adkins

Russell W. Adkins (BPR #014230)

WILSON WORLEY PC

P. O. Box 88

Kingsport, TN 37662-0088

radkins@wilsonworley.com

Attorney for Judge R. Mitchell Manuel

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day February 2025, the foregoing ~~was~~ electronically filed with the Clerk of the Court using CM/ECF, which sends notifications of such filings to all registered participants.

/s/ L. Scott Miller
L. Scott Miller
Attorney for Deputy Ron Arnold